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December 19, 2019

Dr. Terry Fulp, Regional Director
Bureau of Reclamation
Lower Colorado Basin Regional Office
Attention LC00-4200
P.O. Box 61470
Boulder City, NV 89006-1470

**Subject: Imperial Irrigation District Revised Estimate of Colorado River
Diversion – Calendar Year 2019**

Dear Terry:

By this letter, the Imperial Irrigation District requests to revise its original 2019 Colorado River diversion estimate, submitted to the Bureau of Reclamation on September 27, 2019, to reflect an annual consumptive use of up to 2,639,675 acre-feet. This revision is intended to resolve the outstanding issue of IID's 2010 pre-delivery of Colorado River water to the Salton Sea to satisfy mitigation requirements.

As you recall, IID's 2010 action to deliver 46,546 AF of its consumptive use entitlement to the Salton Sea to satisfy mitigation requirements for 2011 and the first half of 2012, was in response to the uncertainty associated with the Sacramento Superior Court's invalidation of the 2003 Quantification Settlement Agreement. The pre-delivery enabled IID to meet its permit requirements in support of the QSA water transfers, without creating the financial risks and consequential effects associated with following for the mitigation that could have come to fruition if the appellate court affirmed its invalidation.

IID asserted at the time, and continues to assert, that consumptive use of Colorado River water for QSA environmental mitigation purposes was an appropriate and prudent action under all of the circumstances that existed at the time, however, Reclamation objected. There were numerous letter exchanges regarding this issue during the subsequent years following the IID's action as the pre-delivery issue has been the subject of ongoing discussions between our agencies for nearly a decade¹, during which the superior court action was reversed and the QSA litigation concluded ultimately validating the QSA and related agreements.

¹ As documented most recently in the *2018 Colorado River Accounting and Water Use Report: Arizona, California, and Nevada* (Table 18, Footnote 4), a June 28, 2013 letter from IID to Reclamation's Lower Colorado Regional Director and a July 2, 2013 response from Reclamation.

While IID continues to be steadfast in its resolve and commitment to the Salton Sea, as evidenced most recently by the adoption of Resolution No. 36-2019 affirming the district's commitment to a smaller but sustainable Salton Sea and establishing parameters for IID's position in future Colorado River negotiations, the issue of the 2010 pre-delivery to the Salton Sea has unfortunately been a continuing source of concern for Reclamation and others. In an effort to move forward in anticipation of upcoming basin wide discussions, the IID Board of Directors has laid the groundwork to resolve this issue and has given authorization to complete the process to conclude this issue.

To complete the conservation accounting necessary to resolve this issue, IID has revised its 2019 water order to include 46,546 AF of additional conservation from its water conservation portfolio as follows:

IID 2019 Revised Estimated Consumptive Use² Table in Acre-Feet (December 18, 2019)	
Priority 3 Cap	3,100,000
Miscellaneous PPR's	(11,500)
1988 IID/MWD Conservation & Transfer	(105,000)
IID/SDCWA Conservation & Transfer	(160,000)
AAC Lining Project Conservation & Transfer	(67,700)
IID/CVWD Conservation & Transfer	(68,000)
Estimate of Additional Conserved Water ^{3,4}	(48,125)
• Lake Mead ICS = 1,579 AF	
• Resolution of 2010 Salton Sea Mitigation Pre-Delivery = 46,546 AF	
Total IID 2019 Revised Consumptive Use² Estimate	2,639,675
2019 Revised Estimated Consumptive Use met by LCWSP ^{2,5}	(10,000)
Total IID 2019 Revised Consumptive Use Estimate at River^{2,3,4,5}	2,629,675

IID is of the opinion there is no need for an extensive agreement to resolve this issue when it can simply be addressed administratively through Reclamation's approval of this revised water order, with subsequent final documentation through an update to the relevant footnote to the table summarizing California's annual conservation and transfers in the 2019 decree accounting records. At year's end, IID will work with Reclamation and

² Consumptive uses include uses for agricultural, municipal, industrial, environmental, mitigation and storage purposes

³ Additional conserved water uses include Intentionally Created Surplus (ICS) in Lake Mead, inadvertent overrun payback (IOP), groundwater storage, groundwater recharge, Salton Sea storage or excess mitigation deliveries, environmental water uses, ICS delivery to meet transfer obligations, and other purposes.

⁴ The truing up of all 2019 conservation program yields after year-end may require an adjustment to this volume.

⁵ Reclamation's Yuma Area office has estimated the maximum project yield for 2019 at 10,000 acre-feet. Actual pumped volumes and projections are subject to change based on final accounting records.

Dr. Terry Fulp
December 19, 2019
Page 3

its QSA partners to finalize 2019 program conservation yields, true-ups and loss factors for the decree accounting report, and of course, final 2019 consumptive use totals will reflect actual water use demands and verified conservation within IID's service area. If there is a conservation shortfall after the year-end true-ups, IID will prioritize its QSA water transfer obligations and address any balance of the 46,546 AF resolution in 2020.

While IID and Reclamation may have disagreed on this issue in the past, moving forward with the development of 2026 operational guidelines that address the larger concerns on the river now need to take precedence. To be clear, resolution of this issue reflects IID's continuing commitment to address those future challenges at the Colorado River while at the same time, fully support and protect the Salton Sea.

If you have any questions regarding this revised order, please contact Tina Shields at (760) 339-9038 or tlshields@iid.com.

Sincerely,


Enrique B. Martinez
General Manager

Enclosure

cc: Mike Pacheco/Tina Shields, IID Water Managers
Dylan Mohamed, IID
Jeremy Dodd, USBR Water Accounting Manager
Chris Harris, CRB